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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 LIBERTY MEDIA HOLDINGS, LLC } Case No. 09-CV2284-W-POR

13 Plaintiff,

14 vs.

15 DAVID TRICE, ERIC BROWN,
16 JOHN DOE 2, and DOES 3-50

17 Defendants }
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**JOINT MOTION FOR ENTRY OF
CONSENT JUDGMENT**

Plaintiff, Liberty Media Holdings (LMH), respectfully moves this Court for the entry of a Final Judgment in this case. The parties have reached an agreement that this action should be resolved consistent with the terms that are reflected in the Consent Judgment filed with contemporaneously with this Motion.

I.

MEMORANDUM OF LAW

1. Settlements are "highly favored in the law." *Pearson v. Ecological Science Corp.*, 522 F.2d 171, 176 (5th Cir. 1975), cert. denied, 425 U.S. 912, 96 S. Ct. 1508, 47 L. Ed. 2d 762 (1976). This is so in disputes involving intellectual property. See *Flex-Foot, Inc. v. CRP, Inc.*, 238 F.3d 1362, 1370 (Fed. Cir. 2001) ("Settlement agreements must be enforced if they are to remain effective as a means

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1 for resolving legal disagreements. Upholding the terms of settlement agreements
2 encourages patent owners to agree to settlements and promotes judicial economy.”).

3 2. The Parties have settled this matter, on the terms included in the
4 Consent Judgment presented to this Court for its consideration. Should this court
5 approve of the terms, the parties jointly desire that this Court enter a judgment in a
6 form identical to, or substantially similar to that presented. See *S.E.C. v. Randolph*,
7 736 F.2d 525, 529 (9th Cir. 1984) (“[u]nless a consent decree is unfair, inadequate,
8 or unreasonable, it ought to be approved.”).

9 3. There has been a meeting of the minds, and the parties stipulate that the
10 consent judgment is fair, adequate, and reasonable.

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12 Dated: January 21, 2010

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14 Respectfully Submitted,

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16 s/ Robert A. DePiano
17 Robert A. DePiano
18 Attorney for Plaintiff,
Liberty Media Holdings, LLC

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20 Dated: January 21, 2010

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22 David Trice
23 David Trice,
24 Defendant